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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/966,757	HENDRICKS, JOHN S.	
	Examiner	Art Unit	
	JAMES SHELEHEDA	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 March 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-16,18-20,22,24-36 and 38-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-16,18-20,22,24-36 and 38-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/28/10 has been entered.

Response to Arguments

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-6, 24-26, 28 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (5,410,326) (of record) in view of Aimonoya (5,047,858) and Saeger (5,467,144) (of record).

As to claims 1 and 24, while Goldstein discloses a terminal, and corresponding method, (column 16, lines 38-45) comprising:

a processor (Fig. 14; microprocessor unit, 137; column 16, lines 38-45);

a tuner configured to receive a video channel with video (Fig. 14; column 16, lines 38-61);

memory storing computer executable instructions (Fig. 14; column 17, line 1-19) that when executed by the processor configured the terminal is configured to generate a menu (electronic program guide; column 17, lines 16-19) including a single video displayed in the menu (electronic program guide; column 17, lines 1-22), he fails to specifically disclose wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen, with a single video clip repositioned from one of the different portions of the split screen to a position in the electronic program guide.

In an analogous art, Aimonoya discloses a video distribution system which will generate a video channel consisting of a split screen with multiple video clips positioned in different portions of the split screen (Fig. 1; column 1, lines 5-15, column 6, lines 1-19) so as to save bandwidth and allow multiple videos over a single channel while maintaining high resolution (column 7, lines 47-62).

Additionally, in an analogous art, Saeger discloses a television system with the ability to receive plurality video signals and display them in a split screen mode or only display a single video (see Figs. 1f-1i, column 5, line 29-column 6, line 35) with a single video clip repositioned from one of the different portions of the split screen to a different

position (see Figs. 1f-1i, column 5, line 29-column 6, line 35) for the typical benefit of allowing a viewer to easily browse and view programming according to their preference (see Figs. 1f-1i, column 5, line 29-column 6, line 35).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Goldstein's system to include wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen, as taught in combination with Aimonoya, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Goldstein and Aimonoya's system to include selectively displaying a single video stream, as taught by Saeger, for the typical benefit of allowing a viewer to easily browse and view a plurality of programs in the way they desire.

As to claim 2, Goldstein, Aimonoya and Saeger disclose wherein the computer executable instructions, when executed by the processor, further configure the terminal to generate an electronic program guide including the menu and an introductory menu that is displayed upon beginning use of the guide (local menu to perform initialization; see Goldstein at column 33, lines 11-34).

As to claim 3, Goldstein, Aimonoya and Saeger disclose wherein the introductory menu automatically appears on the television screen when the set top terminal is turned on (see Goldstein at column 3, lines 11-16).

As to claim 4, Goldstein, Aimonoya and Saeger disclose wherein the introductory menu displays information or messages from an operations center (see Goldstein at column 33, lines 11-68).

As to claim 5, Goldstein, Aimonoya and Saeger disclose wherein the information or messages are directed to a particular subscriber (see Goldstein at column 20, lines 54-63).

As to claim 6, Goldstein, Aimonoya and Saeger disclose wherein the information or messages are directed to a group of subscribers (see Goldstein at column 20, lines 54-63).

As to claim 25, Goldstein, Aimonoya and Saeger disclose the terminal is configured to reposition the single video clip from one of the different portions of the split screen to a position in the electronic program guide (see Saeger at Fig. 1(a)-1(i) and column 11, line 40-column 12, line 2).

As to claims 26 and 38, Goldstein, Aimonoya and Saeger disclose wherein the displaying of the electronic program guide includes scaling a size of the one video clip in the electronic program guide (see Saeger at Fig. 1(a)-1(i) and column 11, line 40-column 12, line 2).

5. Claims 1-6, 24, 25, 26, 28 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein in view of Justice (3,953,666) (of record).

As to claims 1 and 24, while Goldstein discloses a terminal, and corresponding method, (column 16, lines 38-45) comprising:

a processor (Fig. 14; microprocessor unit, 137; column 16, lines 38-45);

a tuner configured to receive a video channel with video (Fig. 14; column 16, lines 38-61);

memory storing computer executable instructions (Fig. 14; column 17, line 1-19) that when executed by the processor configured the terminal is configured to generate a menu (electronic program guide; column 17, lines 16-19) including a single video displayed in the menu (electronic program guide; column 17, lines 1-22), he fails to specifically disclose wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen.

In an analogous art, Justice discloses a video reception terminal (Fig. 1 and 3) which will receive a video channel consisting of a split screen with multiple video clips positioned in different portions of the split screen (Fig. 1; column 1, lines 45-60) and which will only display a single one of the video clips on the screen with the single video

clip repositioned from one of the different portions of the split screen to different position (column 5, lines 30-52) which would save bandwidth and allow multiple videos over a single channel utilizing an existing method in a known manner.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Goldstein's system to include wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen, as taught in combination with Justice, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information by easily combining the elements as claimed using known methods with no change in their respective functions. The combination would have simply required the simple substitution of one known method for another to yield predictable results to one of ordinary skill in the art.

As to claim 2, Goldstein and Justice disclose wherein the computer executable instructions, when executed by the processor, further configure the terminal to generate an electronic program guide including the menu and an introductory menu that is displayed upon beginning use of the guide (local menu to perform initialization; see Goldstein at column 33, lines 11-34).

As to claim 3, Goldstein and Justice disclose wherein the introductory menu automatically appears on the television screen when the set top terminal is turned on (see Goldstein at column 3, lines 11-16).

As to claim 4, Goldstein and Justice disclose wherein the introductory menu displays information or messages from an operations center (see Goldstein at column 33, lines 11-68).

As to claim 5, Goldstein and Justice disclose wherein the information or messages are directed to a particular subscriber (see Goldstein at column 20, lines 54-63).

As to claim 6, Goldstein and Justice disclose wherein the information or messages are directed to a group of subscribers (see Goldstein at column 20, lines 54-63).

As to claim 25, Goldstein and Justice disclose the terminal is configured to reposition the single video clip from one of the different portions of the split screen to a position in the electronic program guide (see Justice at column 5, lines 30-52).

As to claims 26 and 38, Goldstein and Justice disclose wherein the displaying of the electronic program guide includes scaling a size of the one video clip in the electronic program guide (see Justice at column 5, lines 30-52).

6. Claims 1-6, 24, 25, 26, 28 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein in view of Morchand (3,256,386).

As to claims 1 and 24, while Goldstein discloses a terminal (column 16, lines 38-45), and corresponding method, comprising:

a processor (Fig. 14; microprocessor unit, 137; column 16, lines 38-45);

a tuner configured to receive a video channel with video (Fig. 14; column 16, lines 38-61);

memory storing computer executable instructions (Fig. 14; column 17, line 1-19) that when executed by the processor configured the terminal is configured to generate a menu (electronic program guide; column 17, lines 16-19) including a single video displayed in the menu (electronic program guide; column 17, lines 1-22), he fails to specifically disclose wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen.

In an analogous art, Morchand discloses a video reception terminal (Fig. 1 and 2) which will receive a video channel consisting of a split screen with multiple video clips positioned in different portions of the split screen (Fig. 1 and 2; column 2, line 2-32) and which will only display a single one of the video clips on the screen with the single video clip repositioned from one of the different portions of the split screen to a different position (column 4, lines 53-74) which would save bandwidth and allow multiple videos over a single channel utilizing an existing method in a known manner (column 2, line 2-32).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Goldstein's system to include wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen, as taught in combination with Morchand, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information by easily combining the elements as claimed using known methods with no change in their respective functions. The combination would have simply required the simple substitution of one known method for another to yield predictable results to one of ordinary skill in the art.

As to claim 2, Goldstein and Morchand disclose wherein the computer executable instructions, when executed by the processor, further configure the terminal to generate an electronic program guide including the menu and an introductory menu that is displayed upon beginning use of the guide (local menu to perform initialization; see Goldstein at column 33, lines 11-34).

As to claim 3, Goldstein and Morchand disclose wherein the introductory menu automatically appears on the television screen when the terminal is turned on (see Goldstein at column 3, lines 11-16).

As to claim 4, Goldstein and Morchand disclose wherein the introductory menu displays information or messages from an operations center (see Goldstein at column 33, lines 11-68).

As to claim 5, Goldstein and Morchand disclose wherein the information or messages are directed to a particular subscriber (see Goldstein at column 20, lines 54-63).

As to claim 6, Goldstein and Morchand disclose wherein the information or messages are directed to a group of subscribers (see Goldstein at column 20, lines 54-63).

As to claim 25, Goldstein and Morchand disclose the terminal is configured to reposition the single video clip from one of the different portions of the split screen to a position in the electronic program guide (see Morchand at column 4, lines 53-74).

As to claims 26 and 38, Goldstein and Morchand disclose wherein the displaying of the electronic program guide includes scaling a size of the one video clip in the electronic program guide (see Morchand at column 4, lines 53-74).

7. Claims 22, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banker et al. (Banker) (5,477,262) (of record) in view of Aimonoya and Saeger.

As to claim 22, while Banker discloses a terminal (Fig. 3, 300; column 10, lines 61-63) comprising:

a processor (310)(column 11, lines 31-36);

a graphics memory (NVM, 314; column 12, lines 1-5);

a graphics generator (on screen control circuit, 306) configured to generate graphics from the graphics memory for display on a display device (column 12, lines 1-5 and lines 27-61);

a tuner configured to receive a video channel including video (column 11, lines 32-60);

a control interface configured to receive a choice of an option from displayed graphics on the display device (column 21, lines 34-43), and

an instruction memory storing computer executable instructions (Fig. 3; 310, ROM) that when executed by the processor configure the terminal to generate an interactive electronic program guide (column 11, lines 21-31) comprising:

a plurality of interactive menus (interactive menus for such features as sleep mode, messages, pay-per-view, VCR timing and STB control; Figs. 8, 10, 12, 16A, 18 and 20; column 21, line 44-column 25, line 27), each corresponding to a level of interactivity and having one or more interactive menu items for selection (Figs. 8, 10, 12, 16A, 18 and 20; column 21, line 44-column 25, line 27);

a main menu having one or more main menu items for selection (top menu; Fig. 7A), which main menu items correspond to the interactive menus (corresponding to the submenus; Fig. 7 and 7A; column 21, lines 34-45), wherein the menus are navigated

using a control input (column 21, lines 34-43), and wherein the main menu items and the interactive menu items are responsive to selection signals received from the control interface (column 21, lines 34-43), and a single video clip is displayed in one of the menus (column 12, line 62-column 13, line 13), he fails to specifically disclose wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen.

In an analogous art, Aimonoya discloses a video distribution system which will generate a video channel consisting of a split screen with multiple video clips positioned in different portions of the split screen (Fig. 1; column 1, lines 5-15, column 6, lines 1-19) so as to save bandwidth and allow multiple videos over a single channel while maintaining high resolution (column 7, lines 47-62).

Additionally, in an analogous art, Saeger discloses a television system with the ability to receive plurality video signals and display them in a split screen mode or only display a single video (see Figs. 1f-1i, column 5, line 29-column 6, line 35) for the typical benefit of allowing a viewer to easily browse and view programming according to their preference (see Figs. 1f-1i, column 5, line 29-column 6, line 35).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker's system to include wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen, as taught in combination with Aimonoya, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker and Aimonoya's system to include selectively displaying a single video stream, as taught by Saeger, for the typical benefit of allowing a viewer to easily browse and view a plurality of programs in the way they desire.

As to claim 33, Banker, Aimonoya and Saeger disclose wherein the terminal is configured to reposition the single video clip from one of the different positions of the split screen to a position in one of the menus (see Saeger at Fig. 1(a)-1(i) and column 11, line 40-column 2).

As to claim 34, Banker, Aimonoya and Saeger disclose wherein the terminal is configured to scale a size of the single video clip in the one of the menus (see Saeger at Fig. 1(a)-1(i) and column 11, line 40-column 2).

8. Claims 8-16, 18-20, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banker in view of Gibson (5,539,871) (of record), Aimonoya and Saeger.

As to claim 8, Banker discloses a set top terminal (Fig. 3, 300; column 10, lines 61-63) comprising:

a processor (310) (column 11, lines 31-36);

a graphics memory (NVM, 314; column 12, lines 1-5);

a graphics generator (on screen control circuit, 306) configured to generate graphics from the graphic memory for display on a display device (column 12, lines 1-5 and lines 27-61);

a tuner configured to receive a video channel including video (column 11, lines 32-60);

a control interface configured to receive a choice of an option from displayed graphics on the display device (column 21, lines 34-43), and

an instruction memory storing computer executable instructions (Fig. 3; ROM, 310) that when executed by the processor configure the terminal to generate an interactive electronic program guide (column 11, lines 21-31) comprising:

a menu that is displayed with a single video (column 12, line 62-column 13, line 13);

having an overlay menu that is displayed during the one of the programs (Figs. 7 and 7A; column 12, line 62-column 13, line 13 and column 21, lines 34-43), the overlay menu including interactive features (Fig. 7A), wherein the overlay menu is displayed in response to a signal received from a user input (Figs. 3 and 4; column 16, lines 19-42 and column 19, lines 59-65).

While Banker discloses an overlay menu that is displayed in response to a signal received from the user input (column 19, line 59-column 20, line 5), he fails to specifically disclose wherein the terminal is configured to sense one or more interactive features during a selected program and generating a logo that is displayed on the display device, which program has one or more interactive features, wherein the logo

indicates to a user that the interactive features are available and wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen.

In an analogous art, Gibson discloses a system wherein an interactive menu system for display on a television in conjunction with television programming (column 2, lines 10-27), wherein

a logo that is displayed on a display during a program having one or more interactive features (column 3, line 65-column 4, line 35 and column 6, lines 1-24), when interactive content is detected within the program (see Fig. 3; column 5, lines 43-67);

a overlay menu that is displayed during the program (displayed list of choices; column 6, lines 51-56), the overlay menu including the interactive features (column 6, lines 53-62),

wherein the logo indicates to a user that the interactive features are available for the program (column 4, lines 7-35 and column 6, lines 1-24), and wherein the overlay menu is displayed in response to a signal received from a user input (column 6, line 38-56) for the typical benefit of allowing a user to elect to access additional information associated with a multimedia presentation (column 1, lines 39-63).

In an analogous art, Aimonoya discloses a video distribution system which will generate a video channel consisting of a split screen with multiple video clips positioned in different portions of the split screen (Fig. 1; column 1, lines 5-15, column 6, lines 1-19) so as to save bandwidth and allow multiple videos over a single channel while maintaining high resolution (column 7, lines 47-62).

Additionally, in an analogous art, Saeger discloses a television system with the ability to receive plurality video signals and display them in a split screen mode or only display a single video (see Figs. 1f-1i, column 5, line 29-column 6, line 35) for the typical benefit of allowing a viewer to easily browse and view programming according to their preference (see Figs. 1f-1i, column 5, line 29-column 6, line 35).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker's system to include wherein the terminal senses one or more interactive features during a selected program and generating a logo that is displayed on the television screen, which program has one or more interactive features, wherein the logo indicates to a user that the interactive features are available for the program, as taught in combination with Gibson, for the typical benefit of providing a user with a means to easily identify and access additional information related to a displayed video presentation.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker and Gibson's system to include wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen, as taught in combination with Aimonoya, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson and Aimonoya's system to include selectively displaying a single video stream, as taught by Saeger, for the typical

benefit of allowing a viewer to easily browse and view a plurality of programs in the way they desire.

As to claim 9, Banker, Gibson, Aimonoya and Saeger disclose wherein the overlay menu includes menu options for a plurality of interactive features (see Banker at Figs. 7 and 7A and Gibson at column 5, lines 38-54 and column 6, lines 52-56).

As to claim 10, Banker, Gibson, Aimonoya and Saeger disclose wherein the overlay menu further includes a menu option to return to the program without the interactive features (see Banker at Fig. 7A and Gibson at column 6, lines 57-60 and Fig. 6, steps 610, 612 and 616).

As to claim 11, Banker, Gibson, Aimonoya and Saeger disclose a cursor that indicates one of the menu options (see Banker at column 21, lines 34-43 and Gibson at column 6, lines 51-56, column 4, lines 27-35 and column 3, lines 36-39), wherein the cursor is controlled by the control interface (see Banker at column 21, lines 34-43 and Gibson at column 4, lines 27-35 and column 3, lines 36-39).

As to claim 12, Banker, Gibson, Aimonoya and Saeger disclose wherein the interactive features include facts related to the program (see Gibson at column 4, line 65-column 5, line 5).

As to claim 13, Banker, Gibson, Aimonoya and Saeger disclose wherein the guide further comprises a plurality of interactive submenus for use with the interactive features (see Banker at Figs. 7 and 7A and column 21, lines 34-43), wherein the submenus are displayed in response to a selection of the menu options (see Banker at column 21, lines 34-43), the selection being received as at least one of the selection signals from the control interface (see Banker at column 21, lines 34-43).

As to claim 14, while Banker, Gibson, Aimonoya and Saeger discloses displaying a plurality of submenus (see Banker at Fig. 7A), they fail to specifically disclose wherein the submenus are displayed in a video window in a scaled down program video format.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to simultaneously display a reduced version of a menu with a plurality of selections on the same display as video programming, wherein the menu and video programming are each scaled to cover a smaller portion of the overall display to allow both to be fully displayed to the user at the same time, for the typical benefit of allowing a viewer to continue fully viewing a television program while navigating a menu and not miss any of the displayed video program.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson, Aimonoya and Saeger's system to include wherein the submenus are displayed in a video window in a scaled down program video format for the typical benefit of allowing a viewer to continue viewing a

television program while navigating a menu and not miss any of the displayed video program.

As to claim 15, Banker, Gibson, Aimonoya and Saeger disclose wherein the program and one or more of the submenus are displayed on the television at the same time (see Banker at column 12, line 63-column 13, line 13).

As to claim 16, Banker, Gibson, Aimonoya and Saeger disclose wherein the logo is displayed as an overlay menu (overlaid button to select; see Gibson at column 4, lines 7-36).

As to claim 18, Banker, Gibson, Aimonoya and Saeger disclose wherein the overlay menu includes the logo (column 3, line 65-column 4, line 35 and column 6, lines 1-24).

As to claim 19, while Banker, Gibson, Aimonoya and Saeger disclose wherein the overlay menu is generated by the terminal (see Banker at column 12, lines 42-61), they fail to specifically disclose using data received during a vertical blanking interval.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize data from a vertical blanking interval, as receiving data during a vertical blanking interval at a set top terminal allows a cable headend or other programming provider to download additional data and information to

a user's system, such as interactive information or data updates, for the typical benefit allowing additional and updated information to be received at a user's terminal from a broadcast provider utilizing a television signal.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson, Aimonoya and Saeger's system to include using data received during a vertical blanking interval for the typical benefit allowing additional and updated information to be received at a user's terminal from a broadcast provider utilizing a television signal.

As to claim 20, Banker, Gibson, Aimonoya and Saeger disclose wherein the logo is displayed in a corner of the screen of the television periodically for a specified duration (Fig. 3B, Fig. 4, step 408; column 5, lines 6-20).

As to claim 29, Banker, Gibson, Aimonoya and Saeger disclose wherein the displaying of the one video clip in the electronic program guide includes repositioning the one video clip from one of the different portions of the split screen to a position in the electronic program guide (see Saeger at Fig. 1(a)-1(i) and column 11, line 40-column 2).

As to claim 30, Banker, Gibson, Aimonoya and Saeger disclose wherein the displaying of the one video clip in the electronic program guide includes scaling a size of

the one video clip in the electronic program guide (see Saeger at Fig. 1(a)-1(i) and column 11, line 40-column 2).

9. Claims 22, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banker in view of Justice.

As to claim 22, while Banker discloses a terminal (Fig. 3, 300; column 10, lines 61-63) comprising:

a processor (310)(column 11, lines 31-36);

a graphics memory (NVM, 314; column 12, lines 1-5);

a graphics generator (on screen control circuit, 306) configured to generate graphics from the graphics memory for display on a display device (column 12, lines 1-5 and lines 27-61);

a tuner configured to receive a video channel including video (column 11, lines 32-60);

a control interface configured to receive a choice of an option from displayed graphics on the display device (column 21, lines 34-43), and

an instruction memory storing computer executable instructions (Fig. 3; 310, ROM) that when executed by the processor configure the terminal to generate an interactive electronic program guide (column 11, lines 21-31) comprising:

a plurality of interactive menus (interactive menus for such features as sleep mode, messages, pay-per-view, VCR timing and STB control; Figs. 8, 10, 12, 16A, 18 and 20; column 21, line 44-column 25, line 27), each corresponding to a level of

interactivity and having one or more interactive menu items for selection (Figs. 8, 10, 12, 16A, 18 and 20; column 21, line 44-column 25, line 27);

a main menu having one or more main menu items for selection (top menu; Fig. 7A), which main menu items correspond to the interactive menus (corresponding to the submenus; Fig. 7 and 7A; column 21, lines 34-45), wherein the menus are navigated using a control input (column 21, lines 34-43), and wherein the main menu items and the interactive menu items are responsive to selection signals received from the control interface (column 21, lines 34-43), and a single video clip is displayed in one of the menus (column 12, line 62-column 13, line 13), he fails to specifically disclose wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen.

In an analogous art, Justice discloses a video reception terminal (Fig. 1 and 3) which will receive a video channel consisting of a split screen with multiple video clips positioned in different portions of the split screen (Fig. 1; column 1, lines 45-60) and which will only display a single one of the video clips on the screen (column 5, lines 30-52) which would save bandwidth and allow multiple videos over a single channel utilizing an existing method in a known manner.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker's system to include wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen, as taught in combination with Justice, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video

information by easily combining the elements as claimed using known methods with no change in their respective functions. The combination would have simply required the simple substitution of one known method for another to yield predictable results to one of ordinary skill in the art.

As to claim 33, Banker and Justice disclose wherein the terminal is configured to reposition the single video clip from one of the different positions of the split screen to a position in one of the menus (see Justice at column 5, lines 30-52).

As to claim 34, Banker and Justice disclose wherein the terminal is configured to scale a size of the single video clip in the one of the menus (see Justice at column 5, lines 30-52).

10. Claims 8-16, 18-20, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banker in view of Gibson and Justice.

As to claim 8, Banker discloses a set top terminal (Fig. 3, 300; column 10, lines 61-63) comprising:

a processor (310) (column 11, lines 31-36);

a graphics memory (NVM, 314; column 12, lines 1-5);

a graphics generator (on screen control circuit, 306) configured to generate graphics from the graphic memory for display on a display device (column 12, lines 1-5 and lines 27-61);

a tuner configured to receive a video channel including video (column 11, lines 32-60);

a control interface configured to receive a choice of an option from displayed graphics on the display device (column 21, lines 34-43), and

an instruction memory storing computer executable instructions (Fig. 3; ROM, 310) that when executed by the processor configure the terminal to generate an interactive electronic program guide (column 11, lines 21-31) comprising:

a menu that is displayed with a single video (column 12, line 62-column 13, line 13);

having an overlay menu that is displayed during the one of the programs (Figs. 7 and 7A; column 12, line 62-column 13, line 13 and column 21, lines 34-43), the overlay menu including interactive features (Fig. 7A), wherein the overlay menu is displayed in response to a signal received from a user input (Figs. 3 and 4; column 16, lines 19-42 and column 19, lines 59-65).

While Banker discloses an overlay menu that is displayed in response to a signal received from the user input (column 19, line 59-column 20, line 5), he fails to specifically disclose wherein the terminal is configured to sense one or more interactive features during a selected program and generating a logo that is displayed on the display device, which program has one or more interactive features, wherein the logo indicates to a user that the interactive features are available and wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen.

In an analogous art, Gibson discloses a system wherein an interactive menu system for display on a television in conjunction with television programming (column 2, lines 10-27), wherein

a logo that is displayed on a display during a program having one or more interactive features (column 3, line 65-column 4, line 35 and column 6, lines 1-24), when interactive content is detected within the program (see Fig. 3; column 5, lines 43-67);

a overlay menu that is displayed during the program (displayed list of choices; column 6, lines 51-56), the overlay menu including the interactive features (column 6, lines 53-62),

wherein the logo indicates to a user that the interactive features are available for the program (column 4, lines 7-35 and column 6, lines 1-24), and wherein the overlay menu is displayed in response to a signal received from a user input (column 6, line 38-56) for the typical benefit of allowing a user to elect to access additional information associated with a multimedia presentation (column 1, lines 39-63).

In an analogous art, Justice discloses a video reception terminal (Fig. 1 and 3) which will receive a video channel consisting of a split screen with multiple video clips positioned in different portions of the split screen (Fig. 1; column 1, lines 45-60) and which will only display a single one of the video clips on the screen (column 5, lines 30-52) which would save bandwidth and allow multiple videos over a single channel utilizing an existing method in a known manner.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker's system to include wherein the terminal senses

one or more interactive features during a selected program and generating a logo that is displayed on the television screen, which program has one or more interactive features, wherein the logo indicates to a user that the interactive features are available for the program, as taught in combination with Gibson, for the typical benefit of providing a user with a means to easily identify and access additional information related to a displayed video presentation.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker and Gibson's system to include wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen, as taught in combination with Justice, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information by easily combining the elements as claimed using known methods with no change in their respective functions. The combination would have simply required the simple substitution of one known method for another to yield predictable results to one of ordinary skill in the art.

As to claim 9, Banker, Gibson and Justice disclose wherein the overlay menu includes menu options for a plurality of interactive features (see Banker at Figs. 7 and 7A and Gibson at column 5, lines 38-54 and column 6, lines 52-56).

As to claim 10, Banker, Gibson and Justice disclose wherein the overlay menu further includes a menu option to return to the program without the interactive features

(see Banker at Fig. 7A and Gibson at column 6, lines 57-60 and Fig. 6, steps 610, 612 and 616).

As to claim 11, Banker, Gibson and Justice disclose a cursor that indicates one of the menu options (see Banker at column 21, lines 34-43 and Gibson at column 6, lines 51-56, column 4, lines 27-35 and column 3, lines 36-39), wherein the cursor is controlled by the control interface (see Banker at column 21, lines 34-43 and Gibson at column 4, lines 27-35 and column 3, lines 36-39).

As to claim 12, Banker, Gibson and Justice disclose wherein the interactive features include facts related to the program (see Gibson at column 4, line 65-column 5, line 5).

As to claim 13, Banker, Gibson and Justice disclose wherein the guide further comprises a plurality of interactive submenus for use with the interactive features (see Banker at Figs. 7 and 7A and column 21, lines 34-43), wherein the submenus are displayed in response to a selection of the menu options (see Banker at column 21, lines 34-43), the selection being received as at least one of the selection signals from the control interface (see Banker at column 21, lines 34-43).

As to claim 14, while Banker, Gibson and Justice discloses displaying a plurality of submenus (see Banker at Fig. 7A), they fail to specifically disclose wherein the submenus are displayed in a video window in a scaled down program video format.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to simultaneously display a reduced version of a menu with a plurality of selections on the same display as video programming, wherein the menu and video programming are each scaled to cover a smaller portion of the overall display to allow both to be fully displayed to the user at the same time, for the typical benefit of allowing a viewer to continue fully viewing a television program while navigating a menu and not miss any of the displayed video program.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson and Justice's system to include wherein the submenus are displayed in a video window in a scaled down program video format for the typical benefit of allowing a viewer to continue viewing a television program while navigating a menu and not miss any of the displayed video program.

As to claim 15, Banker, Gibson and Justice disclose wherein the program and one or more of the submenus are displayed on the television at the same time (see Banker at column 12, line 63-column 13, line 13).

As to claim 16, Banker, Gibson and Justice disclose wherein the logo is displayed as an overlay menu (overlaid button to select; see Gibson at column 4, lines 7-36).

As to claim 18, Banker, Gibson and Justice disclose wherein the overlay menu includes the logo (column 3, line 65-column 4, line 35 and column 6, lines 1-24).

As to claim 19, while Banker, Gibson and Justice disclose wherein the overlay menu is generated by the terminal (see Banker at column 12, lines 42-61), they fail to specifically disclose using data received during a vertical blanking interval.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize data from a vertical blanking interval, as receiving data during a vertical blanking interval at a set top terminal allows a cable headend or other programming provider to download additional data and information to a user's system, such as interactive information or data updates, for the typical benefit allowing additional and updated information to be received at a user's terminal from a broadcast provider utilizing a television signal.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson and Justice's system to include using data received during a vertical blanking interval for the typical benefit allowing additional and updated information to be received at a user's terminal from a broadcast provider utilizing a television signal.

As to claim 20, Banker, Gibson and Justice disclose wherein the logo is displayed in a corner of the screen of the television periodically for a specified duration (Fig. 3B, Fig. 4, step 408; column 5, lines 6-20).

As to claim 29, Banker, Gibson and Justice disclose wherein the displaying of the one video clip in the electronic program guide includes repositioning the one video clip from one of the different portions of the split screen to a position in the electronic program guide (column 5, lines 30-52).

As to claim 30, Banker, Gibson and Justice disclose wherein the displaying of the one video clip in the electronic program guide includes scaling a size of the one video clip in the electronic program guide (column 5, lines 30-52).

11. Claims 22, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banker in view of Morchand.

As to claim 22, while Banker discloses a terminal (Fig. 3, 300; column 10, lines 61-63) comprising:

a processor (310)(column 11, lines 31-36);

a graphics memory (NVM, 314; column 12, lines 1-5);

a graphics generator (on screen control circuit, 306) configured to generate graphics from the graphics memory for display on a display device (column 12, lines 1-5 and lines 27-61);

a tuner configured to receive a video channel including video (column 11, lines 32-60);

a control interface configured to receive a choice of an option from displayed graphics on the display device (column 21, lines 34-43), and

an instruction memory storing computer executable instructions (Fig. 3; 310, ROM) that when executed by the processor configure the terminal to generate an interactive electronic program guide (column 11, lines 21-31) comprising:

a plurality of interactive menus (interactive menus for such features as sleep mode, messages, pay-per-view, VCR timing and STB control; Figs. 8, 10, 12, 16A, 18 and 20; column 21, line 44-column 25, line 27), each corresponding to a level of interactivity and having one or more interactive menu items for selection (Figs. 8, 10, 12, 16A, 18 and 20; column 21, line 44-column 25, line 27);

a main menu having one or more main menu items for selection (top menu; Fig. 7A), which main menu items correspond to the interactive menus (corresponding to the submenus; Fig. 7 and 7A; column 21, lines 34-45), wherein the menus are navigated using a control input (column 21, lines 34-43), and wherein the main menu items and the interactive menu items are responsive to selection signals received from the control interface (column 21, lines 34-43), and a single video clip is displayed in one of the menus (column 12, line 62-column 13, line 13), he fails to specifically disclose wherein

the video channel includes a split screen with multiple video clips positioned in different portions of the split screen.

In an analogous art, Morchand discloses a video reception terminal (Fig. 1 and 2) which will receive a video channel consisting of a split screen with multiple video clips positioned in different portions of the split screen (Fig. 1 and 2; column 2, line 2-32) and which will only display a single one of the video clips on the screen (column 4, lines 53-74) which would save bandwidth and allow multiple videos over a single channel utilizing an existing method in a known manner (column 2, line 2-32).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker's system to include wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen, as taught in combination with Morchand, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information by easily combining the elements as claimed using known methods with no change in their respective functions. The combination would have simply required the simple substitution of one known method for another to yield predictable results to one of ordinary skill in the art.

As to claim 33, Banker and Morchand disclose wherein the terminal is configured to reposition the single video clip from one of the different positions of the split screen to a position in one of the menus (see Morchand at column 4, lines 53-74).

As to claim 34, Banker and Morchand disclose wherein the terminal is configured to scale a size of the single video clip in the one of the menus (column 4, lines 53-74).

12. Claims 8-16, 18-20, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banker in view of Gibson and Morchand.

As to claim 8, Banker discloses a set top terminal (Fig. 3, 300; column 10, lines 61-63) comprising:

a processor (310) (column 11, lines 31-36);

a graphics memory (NVM, 314; column 12, lines 1-5);

a graphics generator (on screen control circuit, 306) configured to generate graphics from the graphic memory for display on a display device (column 12, lines 1-5 and lines 27-61);

a tuner configured to receive a video channel including video (column 11, lines 32-60);

a control interface configured to receive a choice of an option from displayed graphics on the display device (column 21, lines 34-43), and

an instruction memory storing computer executable instructions (Fig. 3; ROM, 310) that when executed by the processor configure the terminal to generate an interactive electronic program guide (column 11, lines 21-31) comprising:

a menu that is displayed with a single video (column 12, line 62-column 13, line 13);

having an overlay menu that is displayed during the one of the programs (Figs. 7 and 7A; column 12, line 62-column 13, line 13 and column 21, lines 34-43), the overlay menu including interactive features (Fig. 7A), wherein the overlay menu is displayed in response to a signal received from a user input (Figs. 3 and 4; column 16, lines 19-42 and column 19, lines 59-65).

While Banker discloses an overlay menu that is displayed in response to a signal received from the user input (column 19, line 59-column 20, line 5), he fails to specifically disclose wherein the terminal is configured to sense one or more interactive features during a selected program and generating a logo that is displayed on the display device, which program has one or more interactive features, wherein the logo indicates to a user that the interactive features are available and wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen.

In an analogous art, Gibson discloses a system wherein an interactive menu system for display on a television in conjunction with television programming (column 2, lines 10-27), wherein

a logo that is displayed on a display during a program having one or more interactive features (column 3, line 65-column 4, line 35 and column 6, lines 1-24), when interactive content is detected within the program (see Fig. 3; column 5, lines 43-67);

a overlay menu that is displayed during the program (displayed list of choices; column 6, lines 51-56), the overlay menu including the interactive features (column 6, lines 53-62),

wherein the logo indicates to a user that the interactive features are available for the program (column 4, lines 7-35 and column 6, lines 1-24), and wherein the overlay menu is displayed in response to a signal received from a user input (column 6, line 38-56) for the typical benefit of allowing a user to elect to access additional information associated with a multimedia presentation (column 1, lines 39-63).

In an analogous art, Morchand discloses a video reception terminal (Fig. 1 and 2) which will receive a video channel consisting of a split screen with multiple video clips positioned in different portions of the split screen (Fig. 1 and 2; column 2, line 2-32) and which will only display a single one of the video clips on the screen (column 4, lines 53-74) which would save bandwidth and allow multiple videos over a single channel utilizing an existing method in a known manner (column 2, line 2-32).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker's system to include wherein the terminal senses one or more interactive features during a selected program and generating a logo that is displayed on the television screen, which program has one or more interactive features, wherein the logo indicates to a user that the interactive features are available for the program, as taught in combination with Gibson, for the typical benefit of providing a user with a means to easily identify and access additional information related to a displayed video presentation.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker and Gibson's system to include wherein the video channel includes a split screen with multiple video clips positioned in different

portions of the split screen, as taught in combination with Morchand, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information by easily combining the elements as claimed using known methods with no change in their respective functions. The combination would have simply required the simple substitution of one known method for another to yield predictable results to one of ordinary skill in the art.

As to claim 9, Banker, Gibson and Morchand disclose wherein the overlay menu includes menu options for a plurality of interactive features (see Banker at Figs. 7 and 7A and Gibson at column 5, lines 38-54 and column 6, lines 52-56).

As to claim 10, Banker, Gibson and Morchand disclose wherein the overlay menu further includes a menu option to return to the program without the interactive features (see Banker at Fig. 7A and Gibson at column 6, lines 57-60 and Fig. 6, steps 610, 612 and 616).

As to claim 11, Banker, Gibson and Morchand disclose a cursor that indicates one of the menu options (see Banker at column 21, lines 34-43 and Gibson at column 6, lines 51-56, column 4, lines 27-35 and column 3, lines 36-39), wherein the cursor is controlled by the control interface (see Banker at column 21, lines 34-43 and Gibson at column 4, lines 27-35 and column 3, lines 36-39).

As to claim 12, Banker, Gibson and Morchand disclose wherein the interactive features include facts related to the program (see Gibson at column 4, line 65-column 5, line 5).

As to claim 13, Banker, Gibson and Morchand disclose wherein the guide further comprises a plurality of interactive submenus for use with the interactive features (see Banker at Figs. 7 and 7A and column 21, lines 34-43), wherein the submenus are displayed in response to a selection of the menu options (see Banker at column 21, lines 34-43), the selection being received as at least one of the selection signals from the control interface (see Banker at column 21, lines 34-43).

As to claim 14, while Banker, Gibson and Morchand discloses displaying a plurality of submenus (see Banker at Fig. 7A), they fail to specifically disclose wherein the submenus are displayed in a video window in a scaled down program video format.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to simultaneously display a reduced version of a menu with a plurality of selections on the same display as video programming, wherein the menu and video programming are each scaled to cover a smaller portion of the overall display to allow both to be fully displayed to the user at the same time, for the typical benefit of allowing a viewer to continue fully viewing a television program while navigating a menu and not miss any of the displayed video program.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson and Morchand's system to include wherein the submenus are displayed in a video window in a scaled down program video format for the typical benefit of allowing a viewer to continue viewing a television program while navigating a menu and not miss any of the displayed video program.

As to claim 15, Banker, Gibson and Morchand disclose wherein the program and one or more of the submenus are displayed on the television at the same time (see Banker at column 12, line 63-column 13, line 13).

As to claim 16, Banker, Gibson and Morchand disclose wherein the logo is displayed as an overlay menu (overlaid button to select; see Gibson at column 4, lines 7-36).

As to claim 18, Banker, Gibson and Morchand disclose wherein the overlay menu includes the logo (column 3, line 65-column 4, line 35 and column 6, lines 1-24).

As to claim 19, while Banker, Gibson and Morchand disclose wherein the overlay menu is generated by the terminal (see Banker at column 12, lines 42-61), they fail to specifically disclose using data received during a vertical blanking interval.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize data from a vertical blanking interval, as

receiving data during a vertical blanking interval at a set top terminal allows a cable headend or other programming provider to download additional data and information to a user's system, such as interactive information or data updates, for the typical benefit allowing additional and updated information to be received at a user's terminal from a broadcast provider utilizing a television signal.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson and Morchand's system to include using data received during a vertical blanking interval for the typical benefit allowing additional and updated information to be received at a user's terminal from a broadcast provider utilizing a television signal.

As to claim 20, Banker, Gibson and Morchand disclose wherein the logo is displayed in a corner of the screen of the television periodically for a specified duration (Fig. 3B, Fig. 4, step 408; column 5, lines 6-20).

As to claim 29, Banker, Gibson and Morchand disclose wherein the displaying of the one video clip in the electronic program guide includes repositioning the one video clip from one of the different portions of the split screen to a position in the electronic program guide (column 5, lines 30-52).

As to claim 30, Banker, Gibson and Morchand disclose wherein the displaying of the one video clip in the electronic program guide includes scaling a size of the one video clip in the electronic program guide (column 5, lines 30-52).

Double Patenting

13. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

14. Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,515,680. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-4 of patent 6,515,680 corresponds to all of the claim limitations of claim 1 of the current application.

15. Claims 1, 8, 22, 24-36 and 28-40 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 7,373,645. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1-3 of patent 7,373,645 corresponds to all of the claim limitations of claims 1, 8, 22, 24-36 and 38-40 of the current application.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES SHELEHEDA whose telephone number is (571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Sheleheda/
Primary Examiner, Art Unit 2424

JS